

Chapter 8-3 Parks and Recreation

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Adopted by Ordinance No. 4730. Amended by Ordinance Nos. 4740 and 4745. Derived from Ordinance Nos. 1356, 1867, 2021, 2421, 2513, 3096, 3404, 3242, 3616, 3681, 3879, 3892, 3904, 4119, 4142, 4356, 4480, 4488, 4509, and 1925 Code.

8-3-1 Legislative Intent.

The purpose of this chapter is to prescribe rules of conduct for the use of the city parks, parkways, recreation areas, and open space lands in addition to the rules proscribing general offenses throughout the city in Title 5, "General Offenses," B.R.C. 1981.

8-3-2 Applicability.

Unless otherwise provided, this chapter applies to all parks, parkways, recreation areas, and open space belonging to the city or within the possession and control of the city, whether located within or without the corporate boundaries of the city.

8-3-3 City Manager May Issue Rules.

(a) The city manager may adopt rules for the management, operation and control of city parks, parkways, recreation areas, and open space, and for the use and occupancy, management, control, operation, care, repair, and maintenance of all structures and facilities thereon and all land on which they are located and operated. The manager may adopt rules, including, without limitation, for:

- (1) Preservation of property, vegetation, wildlife, signs, markers, buildings or other structures, and any object of scientific or historic value or interest;
- (2) Restriction on or limitation of the use of any area or trail according to time, type, and manner of activities;
- (3) Prohibition of conduct that may reasonably be expected to interfere substantially with the use and enjoyment of parks, parkways, recreation areas, and open space by the general public or that constitutes a nuisance;
- (4) Maintenance of reasonable and necessary sanitation, health, and safety;
- (5) Place, time, and manner of camping and picnicking, if allowed;
- (6) Place, time, and manner of operating boats and vehicles, if allowed;
- (7) Control and limitation of fires and designation of places where fires are permitted; and
- (8) Other requirements that are reasonable and necessary for the preservation and management of parks, parkways, recreation areas, and open space.

(b) No person shall violate any rule issued by the city manager under this section.

(c) The manager shall post rules issued under this section at the place where they are to be enforced. If the rule is not so posted, it may still be enforced if the person had actual knowledge of the rule, was given a copy of the rule upon applying for or receiving a permit or license, was advised of the rule by a city employee, or was ordered by a peace officer to cease conduct violative of the rule.

Ordinance Nos. 5053 (1987); 5497 (1992).

8-3-4 Fires.

(a) In addition to the requirements of Section 5-4-10, "Fires on Public Property," B.R.C. 1981, no person shall start, maintain, or cause to be started or maintained any fire in or on any park, parkway, recreation area, or open space, between the hours of 11:00 p.m. and 6:00 a.m. without first having obtained a permit therefor from the city manager.

(b) The city manager may post signs within any park, parkway, recreation area, or open space during periods of fire danger directing that no fires may be built, started, or maintained. No person shall build, start, or maintain a fire in any

park, parkway, recreation area, open space, or portion thereof in violation of a sign prohibiting such acts.

(c) No person shall leave any park, parkway, recreation area, or open space without first having completely extinguished any fire that such person started or maintained.

8-3-5 Wildlife Protection.

(a) No person shall hunt, trap, net, impede, harass, molest, chase, kill, or remove any wildlife or livestock or damage, destroy, or remove any nest, burrow, or animal dwelling from any park, recreation area, or open space, or other property of the city, including, without limitation, any street or other right-of-way controlled or maintained by the city, except pursuant to a written permit from the city manager for scientific purposes, or pursuant to the provisions of Title 6, Chapter 1 pertaining to animals, or when necessary to protect the public health, safety, and welfare or except for hunting and trapping allowed by the city manager in designated areas for game management. As to livestock, this prohibition does not apply to any lessee of such property managing its livestock on the leasehold, nor to any person driving herds of livestock along streets.

(b) No owner or keeper of a dog shall negligently allow or direct such dog to harass wildlife or livestock, whether or not the wildlife is actually injured by such dog, within any park, recreation area, or open space, or other property of the city, including, without limitation, any street or other right-of-way controlled or maintained by the city. This prohibition does not apply to any lessee of such property using a working dog to control livestock on the leasehold.

(c) The provisions of this section do not apply to the felonious hunting or taking, or soliciting the same, of big game, eagles, or endangered species or to detaching or removing trophy or other selected parts with the intent to abandon the carcass 1.

¹See Subsection 33-6-117(a), C.R.S.

Ordinance Nos. 5858 (1997); 5866 (1997); 7321 (2005).

8-3-6 Vehicle Regulation.

(a) No person, other than persons authorized by the city manager, shall:

(1) Fail or refuse to comply with any lawful order or direction of any park patrol officer authorized and instructed to direct traffic in any park, parkway, recreation area, or open space and on the public roads and parkways therein;

(2) Fail to comply with any traffic control device in a park, parkway, recreation area, or open space regulating the operation of motor vehicles;

(3) Drive a motor vehicle within any park, parkway, recreation area, or open space, in excess of the posted speed limit. If no speed limit is posted, then no person shall drive a motor vehicle in a park, recreation area, or open space in excess of twenty miles per hour;

(4) Drive a motor vehicle within or upon any part of a park, parkway, recreation area, or open space, except on designated roadways, parking areas, or areas that the city manager designates as temporary parking areas;

(5) Remove or relocate any barricade, barrier, or other device erected to control motor vehicle traffic in a park, parkway, recreation area, or open space; or

(6) Drive a non-motorized vehicle upon any area in mountain parks or open space property except a trail or roadway designated and posted for that use by the city manager or a paved or graveled roadway open to motorized vehicles.

(b) The city manager may post "tow away" no parking zones within any park, parkway, recreation area, or open space to clear off-street parking areas after designated hours of operation and to clear designated fire roads and other emergency access routes. Vehicles parked in violation of such traffic control devices may be towed and impounded pursuant to the provisions of Chapter 7-7, "Towing and Impoundment," B.R.C. 1981.

Ordinance No. 5546 (1993).

8-3-7 Regulation of Horses and Livestock.

(a) No owner, agent, employee, operator, or concessionaire of any commercial horse stable, riding school, or livery shall use any park, parkway, recreation area, or open space for grazing or pasture of livestock without first obtaining a permit from the city manager.

(b) Except pursuant to a lease with the city, no owner, agent, employee, operator, or concessionaire of any commercial horse stable, riding school, or livery shall use any park, parkway, recreation area, or open space for training, riding, or trail riding activities of customers without first obtaining a permit from the city manager, completing an application that includes the amount of use, times, and dates of use, trails or areas to be used, and other details of the use, and paying the fee prescribed by Section 4-20-40, "Horse Concession Park Use Fee," B.R.C. 1981.

(c) No person shall ride or lead horses on any landscaped park or recreation area except upon a public equestrian trail so designated by the city manager.

8-3-8 Fees.

(a) The city manager may impose fees for recreational activities open to the public conducted by the city that the manager determines are reasonably necessary to recover the costs of such activities.

(b) Admission fees to the city recreational centers, pools, golf course, and Boulder Reservoir are those prescribed by Section 4-20-41, "Park and Recreation Admission Fee," B.R.C. 1981. The city manager may establish discounted fees for group rates and promotional purposes in addition to those specified in that section.

(c) No person shall fail to pay a fee prescribed by this code for the use of a recreation center, pool, golf course, or Boulder Reservoir.

Ordinance Nos. 5187 (1989); 5425 (1991).

8-3-9 Glass Bottles Prohibited.

No person shall carry or possess any glass bottle or other glass container, except one containing prescription medication, in any city park, parkway, recreation area, or open space.

Ordinance No. 4964 (1986).

8-3-10 Hitting Golf Balls Prohibited.

No person shall drive or hit golf balls in any park, parkway, recreation area, or open space, except at a place designated and posted for that use by the city manager.

8-3-11 Sledding in Open Space and Mountain Parks Prohibited.

No person shall sled, toboggan, or slide in any recreation area or open space or mountain park, except on roadways, designated trails, or other areas designated and posted for that use by the city manager.

Ordinance No. 7348 (2004).

8-3-12 Authority of Park Patrol Officers.

(a) Park patrol officers are authorized to enforce all provisions of this code, other ordinances of the city, and rules issued thereunder regulating conduct in any city park, parkway, recreation area, or open space and to perform other duties delegated to them by the city manager.

(b) After satisfactorily completing a training course approved by the Colorado Law Enforcement Training Academy, park patrol officers shall be commissioned with authority to enforce such laws and rules, protect park patrons and property, and carry firearms.

(c) A park patrol officer may stop any person who the officer reasonably suspects is committing, has committed, or is about to commit in a city park, parkway, recreation area, or open space a violation of this code, other ordinance of the city, or regulation issued thereunder. The officer may require that person to give his or her name and address and an explanation of his or her actions.

(d) When an officer has so detained a person and reasonably suspects that the officer's personal safety requires it, the officer may conduct a pat-down search of that person for weapons.

8-3-13 Permits for Concerts and Sound System Required.

(a) No person shall operate any public address system or other amplified sound system in a park, parkway, recreation area, or open space under circumstances reasonably expected to draw an audience of fifty or more people, without first obtaining a permit from the city manager under this section.

(b) No person shall stage a concert of live or recorded music by an individual, band, or orchestra intended for or which can reasonably be expected to draw an audience of fifty or more people in a city park, parkway, recreation area, or open space without first obtaining a permit from the city manager under this section.

(c) An applicant for a permit shall file an application at least two days before the requested day of the concert along with a security deposit of \$100.00. The application shall be signed by at least one adult resident of the city and, if the permit requested is for a live concert, the individual performer, band leader, or orchestra leader shall also sign the application, and shall contain:

- (1) The name and address of the individual or organization sponsoring the concert;
- (2) The name, address, and telephone number of the individual in charge of the concert;
- (3) The park or recreation area or portion thereof for which the permit is requested;
- (4) The nature of the source of the music;
- (5) The day and hours for which the permit is sought; and
- (6) An estimate of the anticipated attendance.

(d) Upon receiving an application, the city manager shall:

- (1) Verify the accuracy of the information;
- (2) Review the schedule of park or recreation area use to determine whether there is a conflict with prior applications or scheduled activities of the parks and recreation department, which have priority; if there is a conflict, the manager will notify the applicant to permit amendment of the application to avoid the conflict;
- (3) Review the requested site of the concert to determine whether or not the available seating, parking, and sanitation facilities are adequate for the proposed use; and
- (4) Review the proposed time of the concert and the estimated attendance and consider other relevant circumstances to insure that the security deposit is adequate to protect against possible damage to city property and defray costs of restoration of the premises to a neat and orderly condition. The manager may require a deposit beyond the \$100.00 if the manager determines that \$100.00 is insufficient. The manager may also return the security deposit upon the determination that it is not necessary to protect the interests of the city.

(e) If the applicant fulfills the requirements prescribed by this section, the city manager shall issue a permit unless the proposed concert would exceed the available seating, parking, and sanitation facilities. Each permit is subject to the following conditions:

- (1) The applicant takes all reasonable steps to protect city facilities and property, including flora and fauna, against damage;
- (2) The applicant cleans and restores the premises to a neat and orderly condition;
- (3) The applicant charges no admission for the concert unless it is a city parks and recreation department sponsored event;
- (4) The applicant is responsible to assure that the noise emanating from the music source complies at all times with the standards prescribed by Chapter 5-9, "Noise," B.R.C. 1981;
- (5) The applicant is responsible to assure that all members of the band or orchestra comply with all applicable state and city laws; and
- (6) The applicant insists at all times that the members of the audience comply with all applicable state and city laws.

(f) The city manager may revoke a permit issued under this section at any time during the course of the concert for breach of any of the conditions prescribed by subsection (e) of this section. The manager shall thereafter afford the permittee an opportunity to contest the revocation under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981. If the manager revokes the permit, the concert must cease immediately. No person shall continue a concert after a permit has been revoked.

(g) No permit issued under the provisions of this section will expire later than 11:00 p.m.

(h) After the concert and during working hours, each permittee under this section shall contact the city manager to inspect the area used in the concert. If no damage has been done and the area has been properly cleaned, the manager shall return the security deposit. If the permittee has failed to meet the obligations prescribed by this section, the manager shall retain a sum from the deposit sufficient to cover the damage or restore the premises to a neat condition. If the security deposit does not completely indemnify the city for damage or cleaning costs necessary to restore the area, the permittee shall not fail to pay forthwith to the city a sum to cover these extra costs.

Ordinance Nos. 5187 (1989); 5497 (1992).

8-3-14 Permits for Organized Events.

(a) No person shall organize, promote, or stage a recreational, athletic, or social event intended for or which can reasonably be expected to draw an attendance of fifty or more participants and spectators in any park, parkway, recreation area, or open space without first obtaining a permit from the city manager under this section.

(b) An applicant for a permit shall file an application at least fourteen days before the requested day of the event along with a security deposit of \$100.00. The application shall be signed by at least one adult resident of the city and shall contain:

- (1) The name and address of the individual or organization sponsoring the event;
- (2) The name, address, and telephone number of the individual in charge of the event;
- (3) The site for which the permit is requested;
- (4) The type of event and a complete description of the planned activities;
- (5) The day and hours for which the permit is sought; and
- (6) An estimate of the anticipated attendance.

(c) Upon receiving an application, the city manager shall:

- (1) Verify the accuracy of the information;
- (2) Determine whether there is a conflict with prior applications or scheduled city activities, which have priority; if there is a conflict, the manager will notify the applicant to permit amendment of the application to avoid the conflict;
- (3) Review the requested site of the event to determine whether or not the available seating, parking, and sanitation facilities are adequate for the proposed use; whether or not the event would conflict with any law, ordinance, code, rule or regulation, resource management, or environmental policy; and whether or not the event would unduly interfere with the general public use of the site; and
- (4) Review the proposed time of the event and the estimated attendance and consider other relevant circumstances to insure that the security deposit is adequate to protect against possible damage to city property and defray costs of restoration of the premises to a neat and orderly condition. The manager may require a deposit beyond the \$100.00 if the manager determines that \$100.00 is insufficient. The manager may also return all or a portion of the security deposit upon the determination that it is not necessary to protect the interests of the city.

(d) If the applicant fulfills the requirements prescribed by this section, the city manager may issue a permit if the event is appropriate for the site, the infrastructure of the site will support the event without environmental or resource damage, and the public benefit from the proposed event exceeds its detriments. Each permit is subject to the following conditions:

- (1) The applicant takes all reasonable steps to protect city facilities and property, including flora and fauna, against damage;
- (2) The applicant cleans and restores the premises to a neat and orderly condition;
- (3) The applicant charges no admission for the event unless it is a city sponsored event;
- (4) The applicant is responsible to assure that the noise emanating from the event complies at all times with the standards prescribed by Chapter 5-9, "Noise," B.R.C. 1981;

- (5) The applicant is responsible to assure that all participants and spectators comply with all applicable state and city laws; and
- (6) The applicant insists at all times that all participants and spectators comply with all applicable state and city laws.
- (e) The city manager may revoke a permit issued under this section at any time during the course of the event for breach of any of the conditions prescribed by subsection (d) of this section. The manager shall thereafter afford the permittee an opportunity to contest the revocation under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981. If the manager revokes the permit, the event must cease immediately. No person shall continue an event after a permit has been revoked.
- (f) No permit issued under the provisions of this section will expire later than 11:00 p.m.
- (g) After the event and during working hours, each permittee under this section shall contact the city manager to inspect the area used in the event. If no damage has been done and the area has been properly cleaned, the manager shall return the security deposit. If the permittee has failed to meet the obligations prescribed by this section, the manager shall retain a sum from the deposit sufficient to cover the damage or restore the premises to a neat condition. If the security deposit does not completely indemnify the city for damage or cleaning costs necessary to restore the area, the permittee shall not fail to pay forthwith to the city a sum to cover these extra costs.
- (h) This section applies only to areas for which an entry fee is not normally charged.

Ordinance Nos. 4879 (1984); 5187 (1989); 5497 (1992).

8-3-15 Regulation of Boulder Reservoir and Coot Lake.

- (a) No person shall enter or be present at the Boulder Reservoir or Coot Lake during any times when the area is designated by the city manager as closed to the general public.
- (b) No person shall use an automobile at the Boulder Reservoir or Coot Lake except upon established roadways or park in other than designated parking areas, or use snowmobiles, hovercraft, motorcycles, or any other motor-powered vehicle off of the established roadways except when specifically authorized by the city manager.
- (c) No person operating a boat on the Boulder Reservoir shall fail at all times to operate the craft in a manner that is safe for the operation of all other boats and passengers and does not interfere with other boats on docks or on shore.
- (d) No person shall operate a boat on the Boulder Reservoir unless it carries a U.S. Coast Guard-approved life jacket, life vest, or flotation ski belt for each person on board.
- (e) No person shall swim in the Boulder Reservoir except in designated areas marked with rafts and buoyed rope except as swimming is incidental to waterskiing, surfboarding, or sailing.
- (f) Repealed.
- (g) The city manager may suspend the privilege of any person to use the Boulder Reservoir or Coot Lake who has violated any provision of this code, an ordinance of the city, or a rule at the reservoir or lake if such person's conduct constitutes a hazard to the health, safety, or welfare of the users of the reservoir or lake.

- (1) The suspension period shall be reasonably related to the severity of the offense and its danger to public health, safety, and welfare.
- (2) The manager shall provide notice to the offender that the suspension is effective and an opportunity for a hearing thereafter to contest the suspension, under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981.
- (3) No person shall violate any order of the city manager suspending the privilege of using the reservoir or the lake.

8-3-16 Boulder Reservoir Boat Permits Required.

- (a) No person shall enter the Boulder Reservoir premises with, launch, or operate a power or sail-driven boat on the Boulder Reservoir without first obtaining a permit from the city manager under this section and displaying the permit upon entering the gate with the boat.
- (b) An applicant for a permit shall provide the person's name and address, the state registration number of the boat, and an insurance certificate as prescribed by subsection (c) of this section and pay the fee prescribed by

regulations issued by the city manager.

(c) An applicant for a power driven boat permit shall file with the city manager a certificate signed by a qualified agent of an insurance company evidencing the existence of valid and effective policies of public liability and damage insurance with a minimum limit of \$100,000.00 for injury to any one person in any single occurrence and \$300,000.00 for an injury to two or more persons in any single occurrence, the limits of such policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, and a copy of an endorsement placed on each policy requiring ten days' notice by mail to the manager before the insurer may cancel the policy for any reason.

(d) The manager shall issue to each permittee a separate identification number or card, to be carried at all times in the boat by the owner or operator. The permittee shall affix the identification number to the boat in figures at least three inches high.

(e) The city manager may deny issuance of a permit upon a determination that:

(1) The applicant has failed to supply any of the information required on the application;

(2) The applicant has failed to obtain the required insurance;

(3) The applicant has failed to pay the required permit fee; or

(4) The applicant has repeatedly failed to follow the rules of the reservoir and would create danger to the public health, safety, or welfare if the applicant were to engage in such offensive conduct after the permit were issued.

(f) If the city manager denies a permit application under this subsection, the manager shall notify the applicant in writing stating the specific grounds for the denial. The applicant may thereafter appeal the denial of the application to the manager under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981. The hearing officer on the appeal shall not be the same individual who denied the permit application.

(g) In addition to any other provisions of this code or other ordinance of the city, the city manager may suspend or revoke a permit issued under this section, if:

(1) The permittee violates any provision of this chapter;

(2) The required insurance has been canceled or voided; or

(3) The permittee was engaging in hazardous or annoying behavior, including, without limitation, driving on the reservoir while under the influence of liquor, rocking a boat, overloading, scuffling, steering at another boat, throwing spray into other boats or persons on shore, cutting or tangling fishing lines, or running dangerously close to cones, buoys, rowboats, sailboats or any other boats.

(h) If the manager finds one of the grounds in subsection (g) of this section exists, the manager shall determine whether to revoke the permit for the remainder of its term or suspend it for a shorter period according to the severity of the disqualification and its effect on public health, safety and welfare.

(i) Before the hearing required in subsection (j) of this section, the city manager may suspend a permit for up to twenty days, if the manager determines that the suspension is in the interest of public health, safety, and welfare.

(j) Except for such emergency suspension, no such suspension or revocation is final until the permittee has been given the opportunity for a hearing to contest the suspension or revocation under the procedures prescribed by Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981.

Ordinance Nos. 4879 (1984); 4908 (1985); 5187 (1989); 5497 (1992).

8-3-17 Swimming and Boating in Certain Waters Prohibited.

(a) No person shall swim in any pond, lake, stream, reservoir, or other body of water owned or controlled by the city. It is a specific defense to a charge of violating this subsection that a person was wading or using a raft or other flotation device on Boulder Creek or other stream. It is a specific defense to a charge of violating this subsection that the person was swimming in the Boulder Reservoir or in any body of water owned by the city at which a lifeguard is on duty at the site and where the Boulder County Health Department has approved the water for swimming.

(b) No person shall operate any boat powered by an outboard or inboard motor or a sailboat exceeding fourteen feet in length or a hand-powered boat exceeding seventeen feet in length on any lake, pond, stream, reservoir, or other body of water owned or controlled by the city, except the Boulder Reservoir.

8-3-18 Park Land Acquisition and Development Fees.

Repealed.

Ordinance Nos. 5044 (1987); 6039 (1998).

8-3-19 Public Nudity Prohibited.

(a) No person ten years of age or older shall be in or within five hundred feet of the shore of Coot Lake or any adjacent street with any portion of the anus, vulva, penis, or scrotum exposed to the view of another.

(b) This prohibition does not extend to:

(1) Persons undergoing bona fide emergency medical examination or treatment; and

(2) Persons whose exposure was not voluntary.

8-3-20 Fixed Hardware Prohibited.

No person engaged in rock climbing in a park, recreation area, or open space shall place or attach any object on such land unless the object is inherently capable of removal for reuse by reasonable effort, unless done pursuant to a written permit from the city manager.

Ordinance No. 5389 (1991).

8-3-21 Tents and Nets Prohibited.

No person shall erect any tent, net, or structure in a park or recreation area located outside the corporate limits of the city, or on any open space land, unless done pursuant to a written permit or contract from the city manager. The prohibitions of this section do not apply to developed and landscaped city parks located outside the city limits, if they are designated by the manager as such city parks.

Ordinance No. 5497 (1992).

8-3-22 Reservation of Park and Recreation Facilities.

The city manager may establish and from time to time change a schedule of available times and fees for reservation of facilities for which a fee is normally charged within parks and recreation centers by persons for no more than five consecutive days for social or athletic use as appropriate to the facility. The manager may also require a reasonable damage deposit for such use. After the reservation is over and during working hours, the person required to post a deposit under this section shall contact the city manager to inspect the area used. If no damage has been done and the area has been properly cleaned, the manager shall return the deposit. If the person has failed to meet this obligation, the manager shall retain a sum from the deposit sufficient to cover the damage or restore the premises to a neat condition. If the deposit does not completely indemnify the city for damage or cleaning costs necessary to restore the area, the person shall not fail to pay forthwith to the city a sum to cover these extra costs.

Ordinance No. 5497 (1992).

8-3-23 Delegation Concerning Leases, Licenses, and Permits.

Pursuant to Charter Section 164, the parks and recreation advisory board is delegated the authority to approve any lease, license, or permit in or on park lands whose term does not exceed three years, as may be recommended to it by the city manager.

Ordinance No. 5706 (1995). [Return to Title 8 Menu](#)